

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 26013 of 2007(V)

PETITIONER:

METROPOLITAN ENGINEERING COMPANY LTD,
P.B.NO.6, WEST, THAMPANOOR,
TRIVANDRUM.

BY ADV. SRI.A.M.SHAFIQUE

RESPONDENTS:

1. THE ASST. PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE,
BHAVISHYANIDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.
2. EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL,
NEW DELHI.

BY GOVERNMENT PLEADER SMT. T.N. GIRIJA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.26013 OF 2007

DATED THIS THE 24th DAY OF AUGUST, 2007

JUDGMENT

The petitioner challenges demand for damages and interest under Section 14B and 7Q of the Employees Provident Fund and Miscellaneous Provisions Act, for delay in payment of contributions. The petitioner's contention is that the petitioner has already filed an appeal against the demand before the 2nd respondent and therefore pending disposal of the appeal the demand should not be enforced. This is opposed by the learned standing counsel for the Provident Fund Organisation.

2. I have considered the rival arguments in detail. As far as the demand of interest under Section 7Q is concerned, no appeal is provided under the Act. Interest is statutory and the petitioner has to pay that amount. For stay of recovery of the damages under Section 14B, I feel that the petitioner should pay a portion of the amounts since admittedly there was delay in payment of contributions. In the above circumstances, the writ petition is disposed of with the following directions.

If the petitioner pays an amount of Rs.15 lakhs within six weeks from today, further proceedings for recovery of the amounts disputed in Ext.P8 shall be kept in abeyance till the Tribunal disposes of Ext.P8 appeal.

S. SIRI JAGAN, JUDGE

Acđ